

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Masayoshi Nanami et al.)
Assignee. : SANSIN KOGYO)
KABUSHIKI KAISHA)
Reissue of)
Patent No. : 5,853,308)
Issued : December 29, 1998)
For : ENGINE AND EXHAUST)
SYSTEM FOR WATERCRAFT)

Patricia Lewis
#10/suppl
Declaration
4-17-01

SUPPLEMENTAL REISSUE APPLICATION DECLARATION
UNDER 37 C.F.R. § 1.175

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

We, the undersigned inventors hereby declare that:

1. Our residence, Post Office address and citizenship are stated below next to our names.

2. We believe that we are the original, first and joint inventors of the subject matter described and claimed in U.S. Patent No. 5,853,308 ("the '308 patent"), issued December 29, 1998, and of the subject matter disclosed and claimed in the accompanying reissue application.

3. We have reviewed and understand the contents of the specification (including the claims) of the present reissue application (Serial No. 09/474867, filed December 29, 1999), the preliminary amendment filed September 6, 2000, and the amendment filed herewith in response to the Office Action dated October 6, 2000.

4. We hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of Japanese Patent Application Nos. Hei-5-247947 filed October 4, 1993 and Hei 5-261186 filed October 19, 1993.

5. We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56. In compliance with this duty and in accordance with 37 CFR §§ 1.97-1.98, an Information Disclosure Statement was filed with the reissue application.

6. On information and belief, the '308 patent is partly inoperative or invalid by reason of the patentee claiming more or less than patentee had the right to claim in the patent. With particular reference to the error set forth below, we believe that the '308 patent is at least partially inoperable by claiming less than we had a right to claim. Specifically, the insufficiency in the claims resides in the failure to present claims directed to a watercraft having an engine including an engine body, and an exhaust system having an expansion chamber, the engine body journaling a crankshaft and including an intake port on a first side of a plane passing through a cylinder axis and the rotational axis of the crankshaft, and an exhaust port of the opposite side of the plane, wherein the expansion chamber is positioned at least partially on the same side of the plane as the induction port. The new claims presented in the reissued application are directed to this feature, while the original claims of the '308 application are not.

7. Turning from the unclaimed subject matter at large to a specific reissue claim, the reissued application includes one new independent claim: Claim 27. The newly claimed subject matter of Claim 27 is best understood by a comparison with the original Claim 24 of the '308 patent. Presented below is a mock claim which illustrates the claim language common to Claims 24 and 27 in plain type, the claim language specific to Claim 24 in bolded and bracketed type, and the claim language specific to Claim 27 in underlined type:

A watercraft comprised of a hull defining an engine compartment, [a **two-cycle, crankcase compression internal combustion**] an engine contained within [said] the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body [and having a crankcase chamber] journaling an output shaft to rotate about a rotational axis, the engine body[, a pair of cylinder blocks extending at a V-angle to each other and affixed to said crankcase chamber, each cylinder block] having at least one cylinder [bore] which defines a cylinder axis and [containing] which contains a piston [for

driving said] connected to the output shaft, [said cylinder bores having axes lying on a plane that extends transversely to said output shaft, an induction system for said engine disposed substantially completely in a valley defined between said cylinder blocks for delivering at least an air charge to said crankcase chamber for transfer to combustion chambers formed above said pistons, and a pair of exhaust manifolds each affixed to a respective one of said cylinder blocks on the side thereof facing away from said valley, a pair of expansion chambers each positioned on a respective side of said engine and receiving exhaust gases from the respective exhaust manifold, and an exhaust system for discharging the exhaust gasses from said expansion chambers to the atmosphere comprising an exhaust pipe extending from each of said expansion chambers across the top of the engine to the rear of said engine], the engine body including at least one intake port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, and at least one exhaust port provided on a second side of the plane, opposite the first side, the exhaust system including an expansion chamber having upstream and downstream ends and having a diverging portion at the upstream end, at least a portion of the expansion chamber being positioned on the first side of the plane.

The above illustration clearly identifies the differences in the claimed subject matter and evidences the difference in scope between Claim 24 and reissue Claim 27. No original claim has a scope equal to that defined by reissue Claim 27. The inclusion of reissue Claim 27 overcomes the error noted above by claiming subject matter we had the right to claim originally, but which was erroneously omitted during the prosecution of the '308 patent.

8. On information and belief, all errors being corrected in the reissue application up to the time of the filing of the present declaration arose without any deceptive intention on the part of the Applicants.

9. We have read and understand the foregoing statements of this Declaration. We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title

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18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing information.

Full name of first inventor: Masayoshi Nanami

Inventor's signature Masayoshi Nanami

Date Apr. 4, 2000

Residence: 1400 Nippashi-cho, Hamamatsu-shi, Shizuoka-ken 438-8501, Japan

Citizenship: Japan

Post Office Address: Same as above

Full name of second inventor: Ryoichi Nakase

Inventor's signature R Nakase

Date Apr. 5, 2001

Residence: 1400 Nippashi-cho, Hamamatsu-shi, Shizuoka-ken 438-8501, Japan

Citizenship: Japan

Post Office Address: Same as above

Full name of third inventor: Tetsuya Mashiko

Inventor's signature Tetsuya Mashiko

Date Apr. 5, 2001

Residence: 1400 Nippashi-cho, Hamamatsu-shi, Shizuoka-ken 438-8501, Japan

Citizenship: Japan

Post Office Address: Same as above

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